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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,024	12/20/2001	Josef Schneider	4100-280	1112

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EXAMINER

ALANKO, ANITA KAREN

ART UNIT	PAPER NUMBER
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1765

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

Advisory Action	Application No. 10/027,024	Applicant(s) SCHNEIDER ET AL.	
	Examiner Anita K Alanko	Art Unit 1765	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attached for a response to applicant's arguments.

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-3 and 17.

Claim(s) withdrawn from consideration: 4-15.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Anita K. Alanko
Anita K Alanko
Primary Examiner
Art Unit: 1765

Continuation of 3. Applicant's reply has overcome the following rejection(s): 112 rejection of claim 17, objection to specification, objection to claim 1.

Response to Arguments

Applicant's arguments filed 4/30/04 have been fully considered but they are not persuasive as to the art rejection. Applicant's arguments are persuasive for the objection to the specification and 112 rejection.

Applicant failed to note that claim 4 reads on the elected species. Unfortunately, prosecution on the merits is closed. However, even if claim 4 was considered, claim 4 could also be rejected because the material is expected to inherently be uniform since the same methods steps are performed in Bauer as in the instant invention.

Applicant argues that there is no clear basis for base (A) in Bauer to comprise a printing plate carrier. As best determined by examiner, base A of Bauer does comprise a printing plate carrier because it is used to form a printing plate (see first sentence of translation; page 8, lines 1-3).

The passage at page 15 about peeling the carrier is one embodiment, but not necessarily the embodiment for forming cylindrical shaped objects, nor the embodiment relied upon for the rejection.

The passage at page 18 about a ready-for-sale product does not conflict with the claimed invention. Printing plate carriers that are ready-for-sale could be an intermediate step in which the mask is printed, but not yet used to form the final product.

The passage at page 22 about sending the elements to a print shop for further processing reads on the last step claim 1 which broadly cites "using said mask" but does not recite how the mask is used. The discussion of Bauer of using the mask (layer D) "for further processing" is broad, but in one embodiment it is described as a developing process (page 23, lines 2-15), which reads on claim 1 "using said mask to produce a printing plate".

As to the elected species of a gravure printing plate, applicant's specification does not clearly describe a printing plate carrier. The specification (pages 8-9) describes a printing plate cylinder or a gravure printing cylinder with surface 11 (which is equivalent to base A of Bauer) on whose surface a mask is to be created (layer D of Bauer). The specification then describes that the cylinder comprises a copper top layer (Bauer discloses that the base A may comprise copper, page 15, line 12 of translation). The distinction between a printing plate carrier and a gravure printing plate is not clear to the examiner.

Applicant argues that there is no basis for the assertion that the material D is applied directly to the surface of the carrier. In response, applicant has not cited that the carrier does not have layers. The arguments are not commensurate in scope with the claim language. The instant specification cites that several different types of layers may be present, depending on the type of printing plate, a copper top layer (gravure) or a light-sensitive coating (flexographic, screen printing screen).

Applicant argues that there is no suggestion in Bauer to conduct the process in a printing machine. This is addressed by the secondary reference applied for the rejection of claim 16, see the rejection (in Dauer note col. 2, lines 15-16 and col. 5, lines 11-15).

Applicant argues that Kesper discloses forming a chemically resistant mask on a substrate by using nozzles to selectively spray in the fashion of an ink jet printer. However, Kesper is not relied upon to teach how to form the mask, the main reference teaches that. Kesper teaches that the mask may be manufactured by known methods; Bauer is one example of how to apply a mask by laser induced thermal transfer (page 21, lines 10-15).

Claim 17 was inadvertently missing from the rejection; it is rejected along with claims 1-2 over Bauer. Bauer teaches that the thermal transfer material comprises a polymeric material (page 11, lines 18-22).